

Claims 17-20 are currently pending.

The Examiner indicated that claims 16-19 would be renumbered 17-20; and rejected claims 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. (U.S. Patent No. 6,241,610 B1) (hereinbelow Miyamoto). Applicants respectfully traverse this rejection for the following reasons.

Claim 17 defines a data processing apparatus having a processor for a game character. In addition, claim 17 includes, *inter alia*, a processor that "directly places said component polygons for said reference polygons in the three dimensional space based on the position information without computing said articulating components."

In contrast to the invention as claimed, Miyamoto discloses using polygons to generate a character. Although Miyamoto teaches decreasing the number of such polygons when a limit is "detected to avoid slow motion due to a failure in processing," Miyamoto's strategy consists of reducing the number of polygons in less noticeable areas, such as the "body of the character, while keeping the same number of polygons in more noticeable areas, such as the character's "face". See, e.g., Miyamoto at col. 3, II. 20-36. Because Miyamoto merely discloses a method of avoiding slow motion by a computer-generated character by reducing the number of polygons in less noticeable areas rather than a method for executing a movement of a game character that includes articulating components without computing the articulating components of the game character, Miyamoto fails to teach or suggest at least one elements of the combination recited in claim 17. In essence, Miyamoto fails to teach or suggest the step wherein "the processor directly places said component polygons for said reference polygons in the three dimensional space based on the position information without

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)

computing said articulating components." Moreover, there is no teaching or suggestion in Miyamoto to modify the apparatus and methods described therein to achieve the combination of claim 17. Claim 17 is thus allowable over Miyamoto. Therefore, the rejection of claim 17 under 35 U.S.C. §103(a) should be withdrawn.

The Examiner admits that Miyamoto fails to teach or suggest "reference polygons, component polygons and articulating components." See Final Office Action, dated November 11, 2001, at page 3. The Examiner proceeds to suggest that "[i]t is inherent that Miyamoto et al. said face components could constitute reference polygons, body components could constitute said component polygons and said actual movement could constitute articulating components." See Final Office Action, dated November 11, 2001, at page 3. Applicants disagree and submit that the Examiner appears to be taking official notice with respect to the face/body components of Miyamoto. If that is the case, Applicants submit that the Examiner must provide an "affidavit" or a "reference" to support the Examiner's position. See M.P.E.P. §2144.03. Absent such support, the rejection of claim 17 under 35 U.S.C. §103(a) should be withdrawn for this additional reason.

Moreover, the Examiner suggests "actual movement could constitute articulating components." As noted above, Applicants disagree. For a description of "articulating components, the Applicants also respectfully direct the Examiner to the specification including FIGS 3A-3B and page 16, line 22 through page 17, line 13. Applicants submit that a more careful reading of the specification at page 16, line 22 through page 17, line 13 reveals that articulating components in the present invention differ from the actual

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)

movements in Miyamoto because Miyamoto merely discloses face and body components.

Claim 18 depends from claim 17. Claim 19 includes, *inter alia*, recitations similar to those of claim 17. Claim 20 depends multiply from any one of claims 17-19. For at least the reasons given above with respect to claim 17, claims 18-20 are allowable over Miyamoto. Therefore, the rejection of claims 18-20 under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner. Applicants canceling claim 16 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner.

In view of the foregoing remarks, Applicants submit that their claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:

Pedro F. Suarez  
Reg. No. 45,895

Dated: February 6, 2002

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)